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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,310	08/14/2000	Jay Paul Drummond	D-1077+18	9530

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EXAMINER

CHARLES, DEBRA F

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/639,310

Applicant(s)

DRUMMOND ET AL.

Examiner

Debra F. Charles

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

In view of the appeal brief filed on March 7, 2005, prosecution is hereby reopened. Any in convenience is regretted. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111(if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If the reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Response to Arguments

1. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2,3,9,10, 13, 21 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner(U.S. PAT. 5742845A), Dasan(U.S. PAT. 5761662A), Lawlor et al. (U.S.PAT. 5220501A), and Simmons (U.S.PAT. 5974451A).

Re claims 1, 9, 13, 21 and 25-28: Wagner disclose a method of operating an automated transaction machine(Abstract, col. 1, lines 10-35) comprising:

a) reading customer identification information from a card with a card reading device in operative connection with an automated transaction machine, and receiving customer identity information at an ATM, wherein the ATM includes a cash dispenser operative to dispense cash;(Abstract,

col. 1, lines 10-67,col. 19, lines 30-65, i.e. ATM machines inherently dispense cash),

c) generating at least one web page (Abstract, claims 1-3,col. 3, lines 15-40, col. 19, 30-67).

wherein the at least one web page includes a plurality of selectable transaction options for performing transactions with the automated transaction machine(col. 1, lines 30-67, Figs. 12-24B); and
Displaying a web page in a browser of the ATM(Abstract, claims 1-3).

Wagner disclose the invention except the features of customer identification and, accessing at least one customer profile value from at least one data store, accessing a customer profile responsive to the customer identity information, wherein the customer profile corresponds to the customer type value, wherein a customer type value differentiates between classes of customers; responsive to the customer identification information, and displaying the at least one web page at the machine through operation of a browser. However, as Abstract, col. 2, lines 1-45, Fig. 2,4, 5a, and 5b in Dasan disclose a user profile displaying on a web

page whereby the user profile describes the customer preferences and identifies the type of customer via the client computer which provides the identification of a user-defined profile. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner based on the teachings of Dasan. The motivation to combine these references to get the benefit of functionality unique to a user identification that identifies the stored user profile.

Wagner and Dasan disclose the invention except retrieving marketing information from the customer profile; selecting a targeted advertisement responsive to the marketing information. However, in col. 9, lines 50-67, col. 13, line 50-col. 15, line 10, col. 16, line 55-67, col. 18, lines 15-67, col. 20, lines 55-col. 10, col. 22, lines 1-15, col. 23, lines 5-60, col. 32, line 15-45, col. 40, line 55-col. 41, line 10, claims 1, 44-48, thereof Lawlor et al. disclose marketing information reflecting a customer profile built into the system. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner and Dasan based on the teachings of Lawlor et al. The motivation to combine these references to get the benefit of functionality

unique to a user identification that identifies the stored user profile for targeted marketing efforts.

Wagner, Dasan and Lawlor et al. disclose the invention except wherein the web page includes the targeted advertisement. However, in col. 2, lines 35-40, col. 4, lines 1-25, Simmons disclose targeted advertisements sent to the customer via a network web-based system. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan and Lawlor et al. based on the teachings of Simmons. The motivation to combine these references to get the benefit of functionality unique to a user identification that identifies the stored user profile for targeted marketing efforts.

Re claims 2 and 10: Wagner disclose(s) the claimed invention except modifying the at least one customer profile value in the data store responsive to the input. However, in Figs. 8,9,10 and 11, and claim 26, thereof, Dasan disclose(s) a user-controlled client, the client identifying a user-defined profile, the server accessing an application, the application accessing a database and the database data transmitted to the server,

which is then transmitted to the client. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner based on the teachings of Dasan. The motivation to combine these references is updating the customer profile enables for efficient marketing.

Re claim 3: Wagner disclose the data store includes a remote database(col. 6, lines 25-55).

5. Claims 5,8,12,20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al. and Simmons as applied to claims 1, 2, 9, 13 and 21 above, and in further view of Deaton et al. (U.S.PAT. 5642485A) and Jheeta(U.S.PAT. 5619558A).

Re claim 5: Wagner, Dasan, Lawlor et al. and Simmons disclose(s) the invention except the reading device includes a **smart** card reader device, and wherein the information is read from a **smart** card. However, in the Abstract, col. 4, lines 45-67, col. 5, lines 20-40, thereof Deaton et al. disclose the smart card, smart reader and reading customer ID from the smart card. It would be obvious to one of ordinary skill in the art to modify

the invention of Wagner, Dasan, Lawlor et al. and Simmons based on the teachings of Deaton et al. The motivation to combine these references is to have the customer ID stored in the smart card for ease of identifying the customer.

Wagner, Dasan, Lawlor et al., Simmons and Deaton et al. disclose(s) the claimed invention except customer identification. However, in col. 2, lines 30-65, thereof, Jheeta disclose(s) that authorized transactions are conventionally stored in the customer database that contains customer identification. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al., Simmons and Deaton et al. based on the teachings of Jheeta. The motivation to combine these references is both refer to ATMs and Jheeta's customer profile stored in a database enables customer-specific ATM responses enhancing customer ATM experience.

Re claims 8,12,20 and 24: Wagner disclose(s) computer readable media having computer readable instructions embodied thereon, the

computer readable instructions operative to cause at least one computer to carry out the method steps recited in claim 1(col. 6, lines 1-67).

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al. and Simmons as applied to claim 21 above, and in further view of Jheeta(U.S.PAT. 5619558A).

Re claim 22: Wagner, Dasan, Lawlor et al. and Simmons disclose(s) the claimed invention except e) determining if the consumer is a customer associated with a financial institution, wherein if the consumer is determined not to be a customer of the financial institution, the targeted advertisement includes a promotion for the financial institution. However, in col. 1, lines 5-40, col. 3, lines 38-50 thereof, Jheeta disclose(s) cross selling products to existing customers of the bank and to potential customers of the bank. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al. and Simmons based on the teachings of Jheeta. The motivation to combine these references is to obtain more customers for the bank.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al. and Simmons as applied to claim 2 above, and further in view of Akiyama et al.(U.S. PAT. 5539825A).

Re claim 4: Wagner, Dasan, Lawlor et al. and Simmons disclose(s) the claimed invention except the data store includes a smart card. However, in col. 1, lines 10-25, col. 6, lines 8-25 thereof, Akiyama et al. disclose(s) an IC smart card . It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al. and Simmons based on the teachings of Akiyama et al. The motivation to combine these references is to obtain the benefit of using IC technology for customer ATM cards.

8. Claims 6,7,11,17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al. and Simmons as applied to claims 2 and 10 above, and further in view of Patterson et al. (U.S.PAT. 5915246 A).

Re claims 6,7 and 11: None of Wagner, Dasan, Lawlor et al. and Simmons explicitly disclose(s) wherein the customer profile value is representative of

the preferred natural language of the customer, wherein the input is representative of a different value for the preferred natural language of the customer;

And wherein the customer profile value is representative of a fast cash amount, wherein the web page includes a selectable option which corresponds to having the automated transaction machine dispense an amount of cash that is equal to the fast cash amount, wherein step (f) includes modifying the fast cash amount;

And wherein the customer profile values include a last withdrawal amount representative of a previously withdrawn amount of cash, wherein one of the selectable options corresponds to a dispensing of an amount of cash equal to the last withdrawal amount, wherein step (e) includes dispensing of a selected amount of cash with a cash dispenser device, and wherein step (f) includes modifying the last withdrawal amount with a value that corresponds to the selected amount of cash.

However, in Cols. 1-4, esp. Col. 1, Lines 1-50 thereof, Patterson et al. disclose(s) customer profile value and customer type along with option selection. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al., and Simmons by adopting the teachings of Patterson et al. to obtain the benefit of presenting the customer with profile data reflecting customers' transaction input.

Re claims 17 and 23: None of Wagner, Dasan, Lawlor et al., and Simmons explicitly disclose(s) wherein the targeted advertisement includes at least one selectable option, wherein the method further comprises:

- (e) receiving an input from the consumer that corresponds to the selectable option; and
- (f) updating the customer profile responsive to the input.

However, in Cols. 1-4, esp. Col. 1, Lines 1-50 thereof, Patterson et al. disclose(s) option selection based on customer profile. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al., and Simmons by adopting the teachings of Patterson et al. to

obtain the benefit of presenting the customer with profile data reflecting customers' transaction input.

Official notice is taken that it is old and well known in the computer art to get the advantage of providing customers with selectable options that automatically builds the customers' profile in order to present the customer with relevant selectable options upon subsequent ATM use. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include customer selectable options in which the actual selected option becomes a part of the customers' stored profile.

9. Claims 14,15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al., and Simmons as applied to claim 13 above, and further in view of Clausing(U.S.PAT. 4091448A).

Re claims 14,15 and 18: None of Wagner, Dasan, Lawlor et al. and Simmons explicitly disclose(s) wherein when the customer type corresponds to a servicer of automated transaction machines, including a

plurality of selectable servicer options for servicing the automated transaction machine;

And wherein when the customer type value corresponds to a consumer, including a plurality of selectable transaction options for performing transactions with the automated transaction machine;

And wherein when the customer type value corresponds to a first class type of customer, including a first option to perform a first transaction with the automated transaction machine, wherein when the customer type corresponds to a second class type of customer, the web page does not include the first option.

However, in Abstract, Col. 5, lines 1-30, col. 6, lines 35-50, col. 9, lines 1-30, col. 13, line 35-col. 14, line 40 thereof, Clausing disclose(s) option selection based on customer profile values that are associated with a specific class of service. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al., Simmons, Deaton et al. and Jheeta by adopting the teachings of Clausing to obtain

the benefit of presenting the ATM user with relevant options to select and to indicate options for customers' selection based on the type of customer identified via the customer profile.

10. Claim 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al., Simmons and Clausing as applied to claim 15 above, and further in view of Patterson et al. (U.S.PAT. 5915246 A).

Re claim 16: None of Wagner, Dasan, Lawlor et al., Simmons and Clausing explicitly disclose(s) wherein the targeted advertisement includes at least one selectable option, wherein the method further comprises:

- (e) receiving an input from the consumer that corresponds to the selectable option; and
- (f) updating the customer profile responsive to the input.

However, in Cols. 1-4, esp. Col. 1, Lines 1-50 thereof, Patterson et al. disclose(s) option selection based on customer profile. Thus, it would have been within the level of ordinary skill in the art to modify the method of

Wagner, Dasan, Lawlor et al., Simmons and Clausing by adopting the teachings of Patterson et al. to obtain the benefit of presenting the customer with profile data reflecting customers' transaction input.

Official notice is taken that it is old and well known in the computer art to get the advantage of providing customers with selectable options that automatically builds the customers' profile in order to present the customer with relevant selectable options upon subsequent ATM use. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include customer selectable options in which the actual selected option becomes a part of the customers' stored profile.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al., Simmons and Clausing as applied to claim 18 above, and further in view of Martin, Jr. et al. (U.S.PAT. 630860 B1).

None of Wagner, Dasan, Lawlor et al., Simmons and Clausing explicitly disclose(s) wherein the first transaction corresponds to bill payment.

However, in Fig. 3, item 304, Col. 5, Lines 35-67, Col. 6, Lines 20-32, Col. 10, Lines 55-67, Col. 11, Lines 1-20 thereof, Martin, Jr. et al. disclose(s) ATM transactions that permit bill payment. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al., Simmons and Clausing by adopting the teachings of Martin, Jr. et al. to obtain the benefit of using an ATM screen to select the bill payment.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6850996B2, Wagner, System and Method for Enabling Transactions Between a Web Server and an Automated Teller Machine Over the Internet, discloses an ATM that implements financial transactions over the internet, and that includes a computer, a non-standard I/O device coupled to the computer with the computer interpreting extended open network protocol statements to control the non-standard I/O device for the purposes of implementing a financial transaction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (571) 272 6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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